

**From:** [Frank, Stephen \(USAMA\) 1](#)  
**To:** [Malkiel, Yakov](#); [Rosen, Eric \(USAMA\)](#); [Bell, Karin \(USAMA\)3](#); [Kearney, Kristen \(USAMA\)](#); [O'Connell, Justin \(USAMA\)](#); [Wright, Leslie \(USAMA\)](#)  
**Cc:** [Kendall, Michael](#); [Andrew Tomback](#)  
**Subject:** RE: Wilson Privileged Marital Communications  
**Date:** Friday, July 24, 2020 5:46:36 PM

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Thanks Yakov. We do not believe there is a further need to meet and confer. We oppose the motion.

Without having seen it, we cannot agree not to object to its timing. Likewise, we are not in a position to agree that the brief should be filed under seal, or that the affidavits may be filed ex parte and under seal. Accordingly, we reserve our rights with respect to those issues.

Steve

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**From:** Malkiel, Yakov <yakov.malkiel@whitecase.com>  
**Sent:** Friday, July 24, 2020 4:42 PM  
**To:** Frank, Stephen (USAMA) 1 <SFrank1@usa.doj.gov>; Rosen, Eric (USAMA) <erosen2@usa.doj.gov>; Bell, Karin (USAMA)3 <KBell3@usa.doj.gov>; Kearney, Kristen (USAMA) <KKearney@usa.doj.gov>; O'Connell, Justin (USAMA) <JOconnell@usa.doj.gov>; Wright, Leslie (USAMA) <LWright4@usa.doj.gov>  
**Cc:** Kendall, Michael <michael.kendall@whitecase.com>; Andrew Tomback <ATomback@mclaughlinstern.com>  
**Subject:** RE: Wilson Privileged Marital Communications

Hi Steve,

We will be moving to suppress the fruits of the warrant to search Mr. Wilson's email server. We will also ask the Court to consider disqualifying prosecutors and/or witnesses, and to sever Wilson's trial.

**Yakov Malkiel** | Associate  
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**From:** Frank, Stephen (USAMA) 1 <[Stephen.Frank@usdoj.gov](mailto:Stephen.Frank@usdoj.gov)>  
**Sent:** Friday, July 24, 2020 2:29 PM  
**To:** Malkiel, Yakov <[yakov.malkiel@whitecase.com](mailto:yakov.malkiel@whitecase.com)>; Rosen, Eric (USAMA) <[Eric.Rosen@usdoj.gov](mailto:Eric.Rosen@usdoj.gov)>; Bell, Karin (USAMA)3 <[Karin.Bell@usdoj.gov](mailto:Karin.Bell@usdoj.gov)>; Kearney, Kristen (USAMA) <[Kristen.Kearney@usdoj.gov](mailto:Kristen.Kearney@usdoj.gov)>; O'Connell, Justin (USAMA) <[Justin.O'Connell@usdoj.gov](mailto:Justin.O'Connell@usdoj.gov)>; Wright, Leslie (USAMA) <[Leslie.Wright@usdoj.gov](mailto:Leslie.Wright@usdoj.gov)>  
**Cc:** Kendall, Michael <[michael.kendall@whitecase.com](mailto:michael.kendall@whitecase.com)>; Andrew Tomback <[ATomback@mclaughlinstern.com](mailto:ATomback@mclaughlinstern.com)>  
**Subject:** RE: Wilson Privileged Marital Communications

Yakov,

What are you moving to suppress and what is the other relief you are seeking?

Thanks,  
Steve

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**From:** Malkiel, Yakov <[yakov.malkiel@whitecase.com](mailto:yakov.malkiel@whitecase.com)>  
**Sent:** Friday, July 24, 2020 11:31 AM  
**To:** Rosen, Eric (USAMA) <[erosen2@usa.doj.gov](mailto:erosen2@usa.doj.gov)>; Bell, Karin (USAMA)3 <[KBell3@usa.doj.gov](mailto:KBell3@usa.doj.gov)>; Frank, Stephen (USAMA) 1 <[SFrank1@usa.doj.gov](mailto:SFrank1@usa.doj.gov)>; Kearney, Kristen (USAMA) <[KKearney@usa.doj.gov](mailto:KKearney@usa.doj.gov)>; O'Connell, Justin (USAMA) <[JOconnell@usa.doj.gov](mailto:JOconnell@usa.doj.gov)>  
**Cc:** Kendall, Michael <[michael.kendall@whitecase.com](mailto:michael.kendall@whitecase.com)>; Andrew Tomback <[ATomback@mclaughlinstern.com](mailto:ATomback@mclaughlinstern.com)>

**Subject:** Wilson Privileged Marital Communications

All,

On John Wilson's behalf, we are preparing a motion to suppress and for other relief based on the marital-communications issue, Franks v. Delaware issues with the warrant affidavit, and related concerns. We expect to file on Monday. Could you let us know the following?

1. Whether in your view we need to meet and confer further on these issues.
2. Whether you agree not to object to the timing of the motion, which relies primarily on documents and information that the government produced in March-April 2020.
3. Whether, given the severe privacy concerns inherent in discussing the marital communications, you agree to the following requests concerning filing arrangements:
  - a. Our memorandum of law will be filed under seal, with a copy served on the government.
  - b. Up to two accompanying affidavits will be filed ex parte and under seal, with only redacted copies served on the government.

Thank you.

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